

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

DALE WILLIAM GILLEY, JR.,
#182280,

Plaintiff,

v.

JOSEPH H. HEADLEY, *et al.*,

Defendants.

CASE NO. 2:23-cv-224-RAH-JTA

ORDER

On September 15, 2023, the Magistrate Judge recommended that this case be transferred to the United States District Court for the Northern District of Alabama pursuant to 28 U.S.C. § 2241(d). (Doc. 6 at 2.) The Magistrate Judge recommended a transfer because “the furtherance of justice and judicial economy will be best served by transferring this case” to the federal district where the “records and witnesses relating to these matters are likely to be located[.]” (*Id.*) On September 26, 2023, the Plaintiff filed an Objection (Doc. 7) to the Magistrate Judge’s Recommendation (Doc. 6).

When a party objects to a magistrate judge’s report and recommendation, the District Court must review the disputed portions de novo. 28 U.S.C. § 636(b)(1). The Court “may accept, reject, or modify the recommended disposition; receive

further evidence; or resubmit the matter to the magistrate judge with instructions.” Fed. R. Civ. P. 72(b)(3). De novo review requires that the District Court independently consider factual issues based on the record. *Jeffrey S. ex rel. Ernest S. v. State Bd. of Educ.*, 896 F.2d 507, 513 (11th Cir. 1990). If the party does not object to specific factual findings, the court reviews them only for clear error. *Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993).

Upon this Court’s independent review of the record and consideration of the the Objection and Recommendation, and for good cause, it is **ORDERED** as follows:

1. The Objection (Doc. 7) is **OVERRULED**.
2. The Recommendation (Doc. 6) is **ADOPTED**.
3. This case shall be **TRANSFERRED** to the United States District Court for the Northern District of Alabama.
4. The Clerk of Court is **DIRECTED** to take all necessary actions to effectuate the transfer.

DONE on this the 16th day of November 2023.



R. AUSTIN HUFFAKER, JR.
UNITED STATES DISTRICT JUDGE